

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	DA 17-34
Transition Progress Report Form and Filing)	
Requirements for Stations Eligible for)	MB Docket No. 16-306
Reimbursement from the TV Broadcast)	
Relocation Fund)	GN Docket No. 12-268
)	

REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ respectfully replies to comments submitted in response to the Federal Communication Commission’s (“FCC” or “Commission”) *Public Notice* establishing transition progress reporting requirements for Reimbursable Stations, and proposing to require Non-Reimbursable Stations to comply with similar reporting obligations, following the conclusion of the 600 MHz incentive auction.² CCA agrees with other commenters that the Incentive Auction Task Force and Media Bureau (“Bureau”) should revise the proposed FCC Form 2100 – Schedule 387 (“Transition Progress Report”) to require additional information enabling greater transparency regarding station achievement of transition construction milestones and to identify potential roadblocks and delays. Furthermore, CCA echoes commenters supporting the proposal that Non-Reimbursable Stations be required to submit Transition Progress Reports.

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents nearly 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *The Incentive Auction Task Force and Media Bureau Release Transition Progress Report Form and Filing Requirements for Stations Eligible for Reimbursement from the TV Broadcast Relations Fund and Seek Comment on the Filing of the Report by Non-Reimbursable Stations*, Public Notice, DA 17-34 (IATF/MB, Jan. 10, 2017) (“Notice”).

CCA applauds the Commission's goal to maintain the Congressionally-based 39-month relocation timeframe.³ To facilitate this process, CCA supports the Bureau's determination that Transition Progress Reports be submitted by transitioning broadcasters at quarterly intervals, in addition to specific milestone points during the transition. As noted in the *Public Notice*, "Transition Progress Reports will help the Commission, broadcasters, those involved in the construction of broadcast facilities, and other interested parties to assess how disbursed funds have been spent and to monitor the construction of stations."⁴ CCA disagrees with the National Association of Broadcasters ("NAB") that a six-month interval for reporting stations' transition to post-auction facilities is sufficient.⁵ Quarterly reporting is a more appropriate interval to ensure the consistent flow of information necessary to assess the progress of the transition in near-real time, and allow visibility into the ongoing status of the transition. A quarterly reporting schedule would balance the reporting burdens on broadcast stations by aligning them with the quarterly reporting intervals for other public interest filings already required with the need for up-to-date information regarding the status of the transition. In contrast, a six-month reporting interval would fail to capture meaningful developments occurring on much shorter timeframes, and could increase any time lags between the reporting of transition problem areas and the Commission's efforts in mitigating them. In other words, the inefficiencies apparent in a six-

³ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (the "Spectrum Act"). By the time the 39-month active relocation period ends, broadcasters and suppliers of critical inputs will have had more than seven years to prepare for the introduction of new wireless broadband services contemplated by Congress' adoption of the landmark Spectrum Act of 2012, which identified the broadcast television bands for auction and relocation. And for these purposes, a quarterly reporting regime will result only in about a dozen total reports over the life of the 39-month transition.

⁴ Notice at para. 7.

⁵ *Id.* ("Rather than quarterly reports, the Commission should require the submission of reports every six months . . .").

month report interval would hamper the Commission's ability to reallocate resources and respond to issues in a timely fashion, thereby risking completion of the transition within 39-months.⁶

As T-Mobile USA, Inc. notes, the proposed Transition Progress Report Form needs additional reporting details to effectively provide an accurate picture of the overall status of the transition at each reporting interval.⁷ While CCA agrees that expanding the scope of the reporting requirements should not duplicate existing reporting requirements,⁸ T-Mobile's recommendations allows for more accurate updates and for information to be presented in a concise, targeted manner that is more useful to the Commission, broadcasters and other parties involved in constructing facilities.

Furthermore, CCA encourages the Bureau to adopt reporting requirements for Non-Reimbursable Stations as reflected in the record. Information regarding the progress of Non-Reimbursable Stations to post-auction facilities is as equally essential as the status of Reimbursable Stations.⁹ T-Mobile states that "because all transitioning stations are so

⁶ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report & Order, 29 FCC Rcd 6567, 6796-802 ¶¶ 559-73 (2014) ("Incentive Auction Order") (establishing a 39-month post-auction transition period for broadcasters that are assigned new channels in the repacking process, which includes a three-month period during which broadcasters will complete and file their construction permit applications followed by a 36-month period consisting of varied construction deadlines). See also *Nat'l Ass'n of Broadcasters v. Fed. Commc'ns Comm'n*, 789 F.3d 165 (D.C. Cir. 2015) (upholding the FCC's 39-month transition period).

⁷ Comments of T-Mobile USA, Inc., MB Docket No. 16-306, GN Docket No. 12-268, at 3 (Jan. 25, 2017).

⁸ See Comments of Cohen, Dippell and Everist, P.C., MB Docket No. 16-306, GN Docket No. 12-268, at 2 (Jan. 25, 2017) (arguing that the proposed Transition Progress Report form is "in part duplicative of the required response in FCC Form 2100, Schedule 399").

⁹ See Comments of NAB at 4 ("NAB supports the tentative conclusion that non-reimbursable stations should also submit reports on progress towards meeting their construction deadlines. These stations will in many cases be drawing on the same limited pool of resources as reimbursable stations as they seek to move to new channels.").

technically intertwined and reliant upon the progress of stations in physical and interference proximity, transparency among *all* transitioning stations is crucial.”¹⁰ Similarly NAB observed that “[t]he Commission and other stakeholders will only have a complete picture of the progress of repacking – including the ability to identify resource bottlenecks and adjust phase assignments and phase deadlines – if it collects information from all stations that are moving to new channels...”¹¹ The need to collect information from Non-Reimbursable Stations is further bolstered by the fact that there are no commenters in the record that oppose imposing additional reporting requirements on these stations.

As a practical matter, all stakeholders, wireless providers and broadcasters alike, will benefit by gaining the ability to identify potential bottlenecks and resource constraints, particularly if the same vendors are being consistently constrained by multiple stations in the same phase of the repack. Indeed, it is imperative that the Commission strike the appropriate balance to promote flexibility along with certainty of phased completion dates. Maintaining uniform reporting for all transitioning stations will ensure the FCC, wireless providers, broadcasters, and other stakeholders will remain engaged in planning activities and informed of transition progress, in reliance on these timelines.¹²

CCA supports T-Mobile’s suggested revisions to the Bureau’s proposed Transition Progress Reports; these proposals will enhance the Bureau’s vision for implementing an easy-to-use reporting form for the collection of information vital to understanding the progress and overall success of the post-auction transition. Furthermore, the espoused goals of reporting on

¹⁰ Comments of T-Mobile at 5.

¹¹ Comments of NAB at 5.

¹² See Comments of Competitive Carriers Association, MB Docket No. 16-306 at 4 (filed Oct. 31, 2016) (“CCA Comments”); *see also* Reply Comments of Competitive Carriers Association, MB Docket No. 16-206 at 3 (filed Nov. 15, 2016) (“CCA Reply Comments”).

post-auction construction milestones will be achieved only if reporting obligations are extended to Reimbursable and Non-Reimbursable Stations alike. Finally, instituting transition reporting obligations at quarterly intervals would provide increased transparency into the overall status of the transition without unduly burdening stations with unnecessary reporting obligations. Therefore, CCA recommends the Commission adopt its recommendations supported by other commenters to ensure a transparent, timely, and safe transition.

Respectfully submitted,

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February 6, 2017